



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Negative Declaration ND-05-04 and a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive.

**MEETING DATE:** November 2, 2005

**PREPARED BY:** Associate Planner, Mark Meissner

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**RECOMMENDED ACTION:** That the City Council approve the Planning Commission's recommendation to approve the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low-density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

**BACKGROUND INFORMATION:** On September 28, 2005, the Planning Commission reviewed and conditionally approved the "Luca Place" subdivision, located at 1328 Westgate Drive between Kettleman Lane/Highway 12 on the south and Taylor Road on the north, generally behind the Lowe's store. The Luca Place subdivision has 17-lots for the development of 12 halfplex units and 5 single family homes. The Planning Commission's approval of this subdivision is contingent upon the City Council approving the recommended zoning change from R-2, Single Family Residential to PD(37), Planned Development number thirty-seven. The change in zoning is required because the original duplex project design, which was in conformance with the R-2 zoning, was changed to include halfplex dwellings that require zero lot line construction, lots smaller than 5,000 sq. ft. and less than 50-feet wide. R-2 zoning does not allow for these development standards; however, PD zoning gives the City flexibility to approve development standards that fit a particular project's design.

The City's Zoning Ordinance allows a Planned Development zone to be established on project sites of 2 to 10-acres as long as the project is entirely residential, and the parcel proposed for the planned development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of this title. In this case, the project site is 2.18-acres, has a unique shape that does not easily provide for standard single-family construction, and is proposed for a mix of halfplex and single-family homes.

On October 13, 2004, the Planning Commission reviewed and approved the development plan for the subject parcel which had 11-lots for 6 duplexes and 5 single-family homes. The Luca Place subdivision now proposes 17-lots for 12 halfplexes and 5 single-family homes. The difference between duplexes and halfplexes is that duplexes have two dwellings on one large property, where halfplexes are individual homes on smaller individual lots sharing a property line.

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APPROVED:

A handwritten signature in dark ink, appearing to read "Blair King".

Blair King, City Manager

The Planning Commission found that the current proposal's additional lots and change to halfplexes does not affect the appearance or function of the original duplex proposal, and that the new halfplex proposal remains in substantial compliance with its approved development plan. The Planning Commission's recommendation of approval for the Rezone and Negative Declaration is based on findings that the project will not have a significant impact on the environment, that it is consistent with the City's General Plan, and that the land is physically suitable for the proposed development. Staff finds that the 17 new homes of this subdivision furthers the City's efforts of developing from within the existing City Limits, and that the 12 halfplexes provide a more affordable housing alternative.

**FUNDING:** None

A handwritten signature in black ink, appearing to read "Randy Hatch", written over a horizontal line.

Randy Hatch  
Community Development Director

MM/RH/kc

Attachments: Planning Commission Staff Report,  
Resolutions, Neg. Dec. 05-04, &  
Minutes of 9/28 Public Hearing.



## **MEMORANDUM, City of Lodi, Community Development Department**

**To:** City of Lodi, Planning Commission  
**From:** Associate Planner, Mark Meissner  
**Date:** September 28, 2005  
**Subject:** The requests of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project.

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### RECOMMENDATION

Staff recommends that the Planning Commission approve the requests of John Costamagna for Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project, all subject to the conditions in the attached resolutions.

### SUMMARY

The project site is located at 1380 Westgate Drive (APN: 027-420-09) between Taylor Road on the north and Kettleman Lane/Highway 12 on the south. The project site contains 2.18-acres and is to be subdivided into 5 single family and 12 halfplex lots. The change is zoning from R-2, residential single-family to PD, Planned Development is requested because R-2 zoning does not allow zero lot line construction, lots smaller than 5,000 sq. ft. or less than 50-feet wide. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. Approval of the requested subdivision is contingent upon the City Council approving the change in zoning.

### ANALYSIS

The proposed subdivision map illustrates a 17-lot low-density, residential project with 12 halfplex and 5 single-family homes just north of Kettleman Lane fronting Westgate Drive. The lots are clustered from north to south in 3 groups of six and five around private cul-de-sacs. The Planning Commission reviewed and approved the Vintner's Square Development Plan on October 13, 2004. The development plan included the subject 2.18-acre parcel, and a 30-lot, 5.26-acre parcel on Taylor Road. The City Council subsequently approved the requested building allocations for both parcels. The current request is only for the parcel on Westgate Drive, which was approved as a development plan with 11-lots for 6 duplexes and 5 single-family homes. The applicant is now proposing 17-lots for 12 halfplexes and 5 single-family homes. Staff finds that the additional lots and change to halfplexes does not affect the appearance or function of the original

duplex proposal, and remains in substantial compliance with the approved development plan.

Staff is; however, rethinking the proposed private cul-de-sac design, which creates large paved areas with little-to-no benefit. We find that this should be redesigned to provide more yard area and less pavement. A revised design will also provide for more on-site parking. The design could be similar to the Lanes that access the houses in the Villa's subdivision currently under construction on the corner of South Cherokee and East Harney Lanes. These lanes are built of interlocking stone pavers with concrete curb and gutter. The Public Works and Fire Department staff are in agreement that a standard cul-de-sac is not necessary and are receptive to a more attractive and functional design. Staff has included a condition in the resolution to require the project engineer to work with staff to design a mutually agreeable solution.

The location of the tentative map behind the shopping center may seem out of place; however, the residential zone was established at the same time as the shopping center zoning. The homes will be protected from the shopping center by the existing decorative masonry block wall along the north, south, and east boundaries of the project site. Homes adjacent to shopping centers are not unique situations and can be found at practically all of the shopping centers in Lodi. Besides, the land across Westgate Drive to the west is identified in the City's General Plan and Westside Master plan to be developed as homes. Staff finds that the 17 new homes of this subdivision will eventually become part of larger neighborhood to the west, that the project furthers the City's efforts of developing from within the existing City Limits, and that the 12 halfplexes provide a more affordable housing alternative.

The requested Rezone from R-2 to PD is necessary because the existing R-2 zoning does not allow zero-lot-line construction, lots less than 5,000 square feet in size, or lots less than 50-feet wide. The City's Zoning Ordinance allows a Planned Development zone to be established on project sites of 2 to 10-acres as long as the project is entirely residential, and the parcel proposed for the planned development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of this title. The project site is 2.18-acres, has a unique shape that does not provide for standard single-family construction, and is proposed for a mix of halfplex and single-family homes.

The reduction in lot size, width, and zero lot line construction is primarily due to the change in product type from duplex to halfplex. The average lot size is approximately 5,588 sq. ft. with the largest being 6,865 sq. ft. and the smallest being 3,920 sq. ft. The lots range in width from 30, to 65-feet. The smallest lots are the inside halfplex lots sharing a property line with the westerly and larger halfplex lot. Considering that duplexes can be built on corner lots as small as 6,000 sq. ft., staff finds that the combined halfplex lot sizes of 6,865 and 3,920 are more than sufficient.

All other normal low-density residential development standards including off-street parking, maximum height, maximum lot coverage, and minimum setbacks are met by the proposal. The tentative map includes illustrations of how each lot will be plotted. Staff finds that each home fits on its respective lot with sufficient

yard areas. They each provide standard residential setbacks of no less than 20-foot front yards, 10-foot rear yards, and 5-foot side yards. Each home has no less than a 20-foot deep driveway providing parking and access to a two-car garage. The development standards are conditioned in the subdivision map resolution.

Respectfully Submitted,

Reviewed and Concur,

Mark Meissner  
Associate Planner  
MM/mm

Jerry Herzick  
Building Official

**CITY OF LODI**  
**PLANNING COMMISSION**  
**Staff Report**

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**MEETING DATE:** September 28, 2005

**APPLICATION NO'S:** Tentative Subdivision Map: 05-S-004  
Rezone: Z-05-02

**REQUEST:** The requests of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project.

**LOCATION:** 1380 Westgate Drive (027-420-08 & 09)

**APPLICANT:** John Costamagna  
PO Box 131  
Woodbridge, CA 95258

**OWNER:** Same

**Site Characteristics:**

**General Plan Designation:** LDR, Low Density Residential

**Zoning Designations:** R-2, Single Family Residential

**Project Size:** 2.18 acres

**Adjacent Zoning and Land Use:**

**North:** County General Plan Agriculture-Urban Reserve (AU) and Zoned Low Density Residential (R-L).

**South:** C-S, Commercial Shopping; NCC, Neighborhood Community Commercial, (Vintner's Square Shopping Center)

**East:** C-S, Commercial Shopping; NCC, Neighborhood Community Commercial, (Sunwest Marketplace Shopping Center)

**West:** County AU-20, Agriculture-Urban Reserve; Inactive use.

**Neighborhood Characteristics:**

Surrounding land uses are as follows: To the west are rural residential properties in the County primarily undeveloped. To the South is a Chili's Restaurant and parking lot within the Vintner's Square Shopping Center. To the east is the backside of the Lowe's Home Improvement Center, and to the north is a temporary storm drainage basin serving the subject project and the adjacent shopping center.

**ENVIRONMENTAL ASSESSMENTS:**

Negative Declaration ND-05-04 was prepared in accordance with CEQA. This document adequately addresses possible adverse environmental effects of this project. No significant impacts are anticipated.

**PUBLIC HEARING NOTICE:**

Legal Notice for the Vesting Tentative Subdivision Map was published on September 17, 2005. A total of four notices were sent to all property owners of record within a 300-foot radius of the subject property.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approves the requests of John Costamagna for Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project, all subject to the conditions in the attached resolutions.

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Requests with alternate conditions.
- Deny the Requests
- Continue the requests

**ATTACHMENTS:**

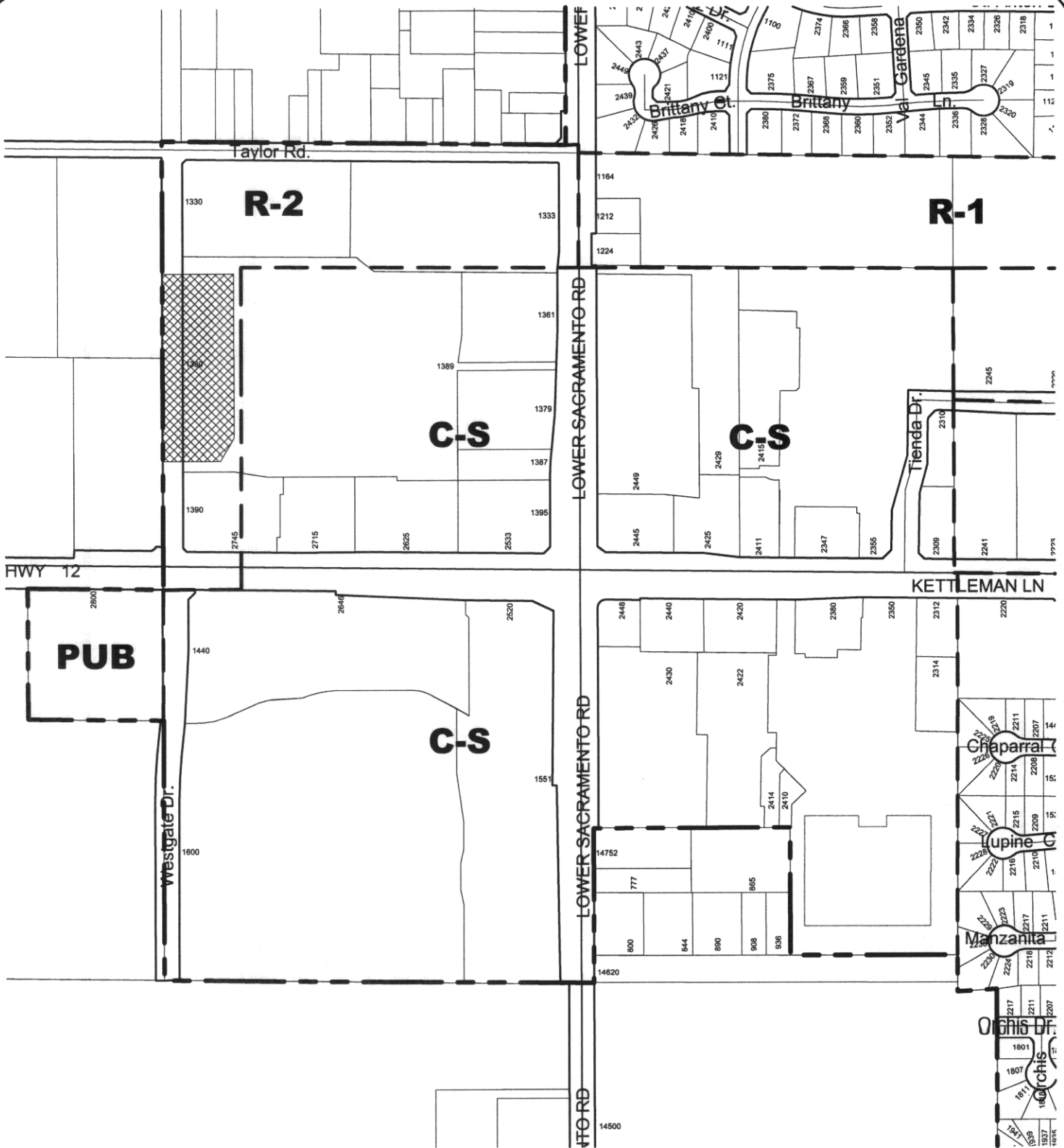
1. Vicinity Map
2. Vesting Tentative Subdivision Map
3. Site Utilization Map
4. Rezone Map
5. Negative Declaration
6. Draft Resolutions



# VICINITY MAP

Luca Place  
 Rezone: R-2 to PD &  
 Tentative Subdivision Map  
 17-lot low density residential  
 1380 Westgate Drive  
 Z-05-02 & 05-S-004





# REZONE

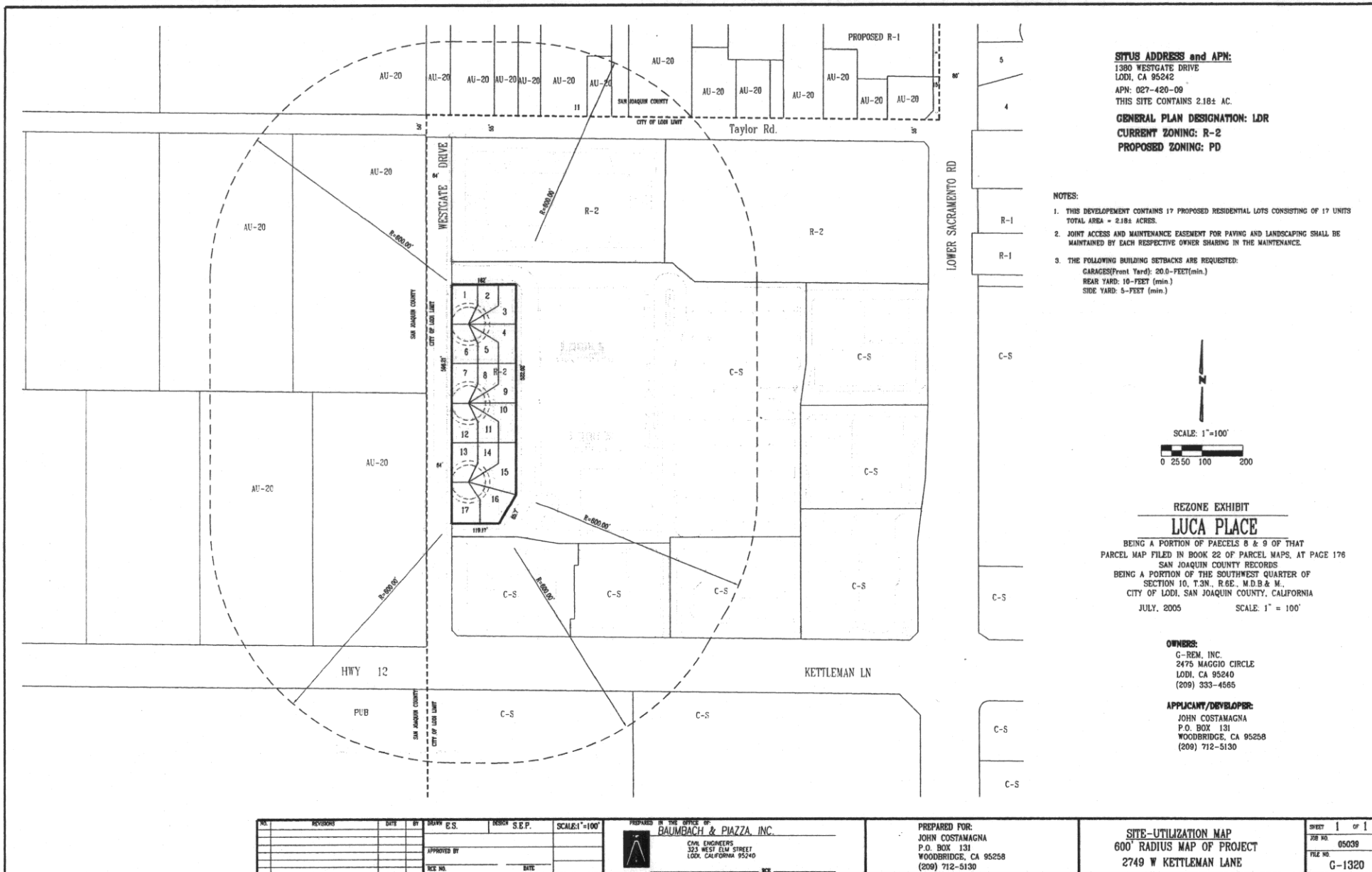
Rezone: R-2 to PD(37)  
1380 Westgate Drive  
Z-05-02

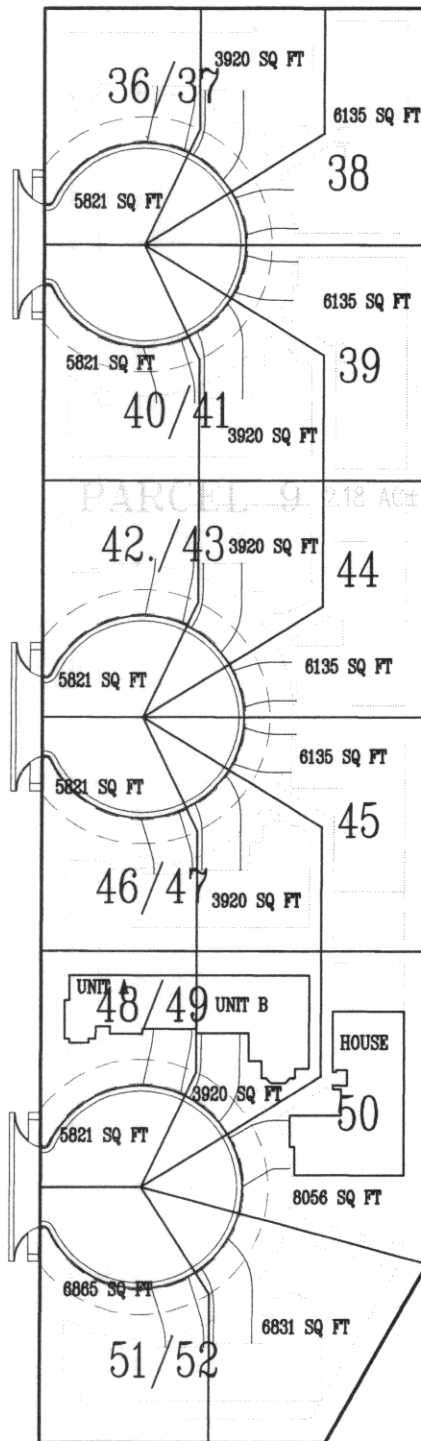
## LEGEND:

R-1: RESIDENTIAL SINGLE FAMILY  
R-2: RESIDENTIAL SINGLE FAMILY  
C-S: COMMERCIAL SHOPPING  
PUB: PUBLIC

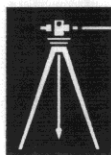








UNIT A - 1290 SQ. FT. TYPICAL  
 UNIT B - 1556 SQ. FT. TYPICAL  
 HOUSE - 2387 SQ. FT. TYPICAL



PREPARED IN THE OFFICE OF:

**BAUMBACH & PIAZZA, INC.**

CIVIL ENGINEERS

323 WEST ELM STREET

LODI, CALIFORNIA 95240

**RESOLUTION NO. P.C. 05-30**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF JOHN COSTAMAGNA FOR LUCA PLACE, A 17-  
LOT LOW DENSITY RESIDENTIAL VESTING TENTATIVE SUBDIVISION MAP AT  
1380 WESTGATE DRIVE.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Vesting Tentative Subdivision Map as required by Lodi Municipal Code Chapter 16.10 and the Subdivision Map Act; and

WHEREAS, the property is located at 1380 Westgate Drive (APN's: 027-420-09); and

WHEREAS, the project proponent and owner is John Costamagna, PO Box 131, Woodbridge, CA, 95258; and

WHEREAS, the request is for approval of a 17-lot low-density residential Vesting Tentative Subdivision Map including 5 single family lots, and 12 half-plex lots; and

WHEREAS, the property is zoned R-2, Residential Single-Family; and

WHEREAS, the property has a general plan land use designation of LDR, Low Density Residential, which provides for single family detached and attached homes with a maximum density of 7 dwelling units per acre; and

WHEREAS, the Planning Commission reviewed and approved the Vintner's Square Growth Management Development plan for the project as a prerequisite to this Vesting Tentative Map (Resolution No. P.C. 04-57); and

WHEREAS, the Vintner's Square Growth Management Development Plan consisted of two separate parcels including the subject 2.18-acre parcel and a 5.26-acre parcel totaling 7.44-acres with 52 homes including the project's 17 homes with an overall density of 6.99-dwelling units per acre; and

WHEREAS, the City Council awarded this portion of the approved development plan with 17 low-density building permit allocations; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. Negative Declaration 05-04 was prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
2. The standard proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, shall conform to the standards and improvements mandated by the City of Lodi Public Works Department, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for the proposed residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The project specific density is 7.8 units per acre; however, the project area is a small portion of the Vintner's Square Growth Management Development Plan that has an overall density of 6.99 units per acre which is consistent with the

General Plan Land Use and Growth Management Elements that require a density no greater than 7 dwelling units per acre.

5. The proposed vesting tentative subdivision map can be served by all public utilities.
6. The vesting tentative subdivision map complies with the requirements of Chapter 16.10 of the Lodi Municipal Code regulating Vesting Tentative Maps.

Vesting Tentative Subdivision Map Number: 05-S-004 is hereby approved, subject to the following conditions, which are required for the subject project per City codes and standards with all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

1. The Planning Commission's approval of the Luca Place Vesting Tentative Map is contingent upon the City Council's approval of the requested Rezone (Z-05-02) establishing PD(37).
2. The Vesting Tentative Subdivision Map 05-S-004 shall serve as the approved development plan for PD(37).
  - a) Lots 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 16, & 17 shall be residential halfplexes. Lots 3, 4, 9, 10, & 15 shall be residential single-family homes.
  - b) Maximum lot coverage shall be 45%. Maximum height shall be 2-stories no taller than 35-feet. Minimum yards shall be 20-foot front, 10-foot back, 5-foot sides, and 10-foot street side. Zero yard is required between halfplex lots. The setback at the northwest corner of lot 1 shall be no less than 5 ft.
  - c) Off street parking requirements shall be 2-covered parking stalls. Driveways shall be no less than 20-feet deep.
3. Exterior walls less than 3-feet from the property line shall be of one-hour fire-resistive construction. One-hour firewalls shall be structurally independent for halfplexes at the property line and comply with CBC Sec. 109.4 for parapet requirements.
4. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
  - a) Approved tentative map, signed by the Community Development Director.
  - b) Detailed utility master plans, including engineering calculations, for all phases of the development. Storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003. Construction of required public and private storm drainage facilities will damage the newly paved portions of Westgate Drive. In the event that removal of the new pavement is necessary, the pavement surface shall be restored by grinding a 0.15-foot thickness of asphalt concrete a minimum of 25-feet north and south of the removal from curb-to-curb and thence repaving. The location of new utilities and services and the repair of Westgate Drive shall be determined at the master plan stage to the approval of the Public Works Department.
  - c) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
  - d) Grading, drainage and erosion control plan.
  - e) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
  - f) Street tree planting plan for parkway strip along Westgate Drive. Requires approval of the Community Development Director and Public Works Director.
  - g) All utilities, including streetlights and electrical, gas, telephone and cable television facilities.

- h) Joint Trench plans.
- i) Under grounding of existing overhead utilities.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

5. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
6. Installation of all public utilities and street improvements within the limits of the map, plus the following "off-site" improvements:
  - a) Public water services shall be provided for each lot. There is an existing 8-inch water line stubbed out to the southwest portion of the project site. Staff suggests that a public utility easement be dedicated to allow this water line to be extended to provide services for the most southerly cul-de-sac. Additional service taps will be required to serve the remaining two cul-de-sacs. Since Westgate Drive is a new street (less than one year old), a full width street overlay along the entire west subdivision boundary will be required to preserve the integrity of the street pavement section. The developer's engineer may propose other water service design options, if desired. All water utility design shall be to the approval of the Public Works Department.
  - b) Public wastewater services shall be provided for each lot. There is an existing 8-inch wastewater line stubbed out to the southwest portion of the project site. Staff suggests that a public utility easement be dedicated to allow this wastewater line to be extended to provide services for the most southerly cul-de-sac. Additional service taps from the existing 18-inch wastewater main on the west side of Westgate Drive will be required to serve the remaining two cul-de-sacs. Since Westgate Drive is a new street (less than one year old), a full width street overlay of the west side of Westgate Drive along the entire west subdivision boundary will be required to preserve the integrity of the street pavement section. The developer's engineer may propose other wastewater service design options, if desired. All water utility design shall be to the approval of the Public Works Department. Master plan wastewater facilities are not available south of Kettleman Lane. Installation of a temporary lift station will be required to provide wastewater service for the development until master plan facilities are available. The lift station design and installation shall be to the approval of the Public Works Director.
  - c) Terminal master plan storm drain facilities are not available west of Lower Sacramento Road. Storm drainage facilities shall be designed for future connection to master plan storm drainage facilities with discharge to the temporary drainage basin at the southeast corner of the Westgate Drive/Taylor Road intersection until the master plan facilities are available. Storm drainage shall be collected on site in each cul-de-sac and discharged to the public storm drain system. The on-site storm drainage system shall be privately owned and maintained. A public storm drainpipe shall be installed under the public sidewalk along Westgate Drive to collect the drainage from the cul-de-sacs for discharge to the temporary drainage basin. All storm drainage design shall be to the approval of the Public Works Department.

Calculations shall be submitted showing that sufficient temporary storage capacity exists in the temporary basin, in conformance with City design standards for temporary storm drainage retention basins with no outlet.

An agreement between the developer and owner of the temporary facilities granting the unconditional right to use the facilities shall be entered into and recorded upon all properties served by the facilities.

All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing.

7. Design and installation of public improvements to be in accordance with City master plans.

Note that the developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code (LMC) §16.40.

8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
9. Dedication of street right-of-way as shown on the tentative map with the following changes/additions:
  - a) Corner cutoffs at the northwest corner of Lot 1 and southwest corner of Lot 17 to accommodate the existing public handicap ramps.
10. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
11. Acquisition of the following private utility easements outside the limits of the map:
  - a) A utility easement across Parcel 10 (temporary retention pond) for the temporary private discharge to the pond.
  - b) A utility and temporary construction easement across the driveway adjacent to the north boundary of the map for the public storm drain and private storm drain facilities.
12. Submit final map per City and County requirements including the following:
  - a) Preliminary title report.
  - b) Waiver of access rights at Westgate Drive except at street openings approved by the Public Works Department.
  - c) Standard note regarding requirements to be met at subsequent date.
13. Payment of the following:
  - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
  - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of project acceptance.
  - c) Wastewater capacity fee at building permit issuance.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

14. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Luca Place subdivision, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement

will establish conditions and covenants running with the land for all lots in the subdivision and provide deed provisions to be included in each conveyance.

15. Street trees in the parkways along Westgate Drive adjacent to the subdivision boundary are required and shall be installed by the developer at the developer's expense to the approval of the Public Works and Community Development Directors. The developer shall provide for on-going maintenance and replacement of street trees in the parkways and a prorated share of public park land as provided in Resolution No. 2003-250 approved by the City Council on December 17, 2003, by selecting one of the options listed below:
  - a) Formation of a 1972 Act Landscape and Lighting District. Annexation to the Lodi Consolidated Landscape and Maintenance District 2003-1 prior to final map filing. All costs associated with annexation to the District shall be the developer's responsibility. Developer shall be responsible for the regular and ongoing maintenance and replacement of street tree improvements along until the first revenues are received by the City from the District.
  - b) Homeowner's Association. The developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs, including a prorated share of public park land, which shall be payable to the City on an annual basis under the terms of an agreement with the City to be executed by the developer prior to final map filing. The agreement will run with the land and be binding on the developer, its heirs, successors or assigns. The agreement shall be recorded prior to or concurrently with the final map.
16. Obtain a San Joaquin County well/septic abandonment permit.
17. On-site fire protection as required by the Fire Department.
18. Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.
19. Payment of the San Joaquin County Community Facilities Fee and Habitat Conservation Fee.
20. The developer will be required to provide a one-year maintenance bond in the amount of 10% of the value of the public improvements.
21. The proposed private cul-de-sac design creates a large paved area with little-to-no benefit. The project engineer shall work with City staff to replace the cul-de-sac design with a mutually agreeable solution.

Dated: September 28, 2005

I hereby certify that Resolution No. 05-30 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 28, 2005, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

**RESOLUTION NO. P.C. 05-31**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
RECOMMENDING APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR  
REZONING Z-05-02 TO THE LODI CITY COUNCIL.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Rezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the property is located at 1380 Westgate Drive (APN: 027-420-09); and

WHEREAS, the project proponent and owner is John Costamagna, PO Box 131, Woodbridge, CA, 95258; and

WHEREAS, the property is zoned R-2, Residential Single-Family; and

WHEREAS, the proposed zoning designation is PD(37), Planned Development; and

WHEREAS, Vesting Tentative Subdivision Map 05-S-004 was reviewed and conditionally approved by the Planning Commission, and will serve as the approved development plan for Planned Development Number 37; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. Negative Declaration File No. ND-05-04 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
2. The requested Rezoning to PD(37), Planned Development Number 37 does not conflict with adopted plans or policies of the General Plan and serves sound planning practice.
3. The land of the proposed rezoning meets the requirements of the physically suitable for the development of a residential low-density project.
4. The Planning Commission of the City of Lodi hereby recommends approval of Rezone Z-05-02 to the City Council of the City of Lodi.

Dated: September 28, 2005

I hereby certify that Resolution No. 05-31 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 28, 2005, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

**ATTEST:** \_\_\_\_\_  
**Secretary, Planning Commission**

NEGATIVE DECLARATION NO. 05-04

FOR

Rezone and Tentative Subdivision Map  
for  
Luca Place  
1380 Westgate Drive, Lodi.

APPLICANT: John Costamagna

PREPARED BY:

CITY OF LODI  
Community Development Department  
P.O. BOX 3006  
LODI, CA 95241

August 2005

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## **CITY OF LODI**

### **REZONE AND TENTATIVE SUBDIVISION MAP FOR LUCA PLACE**

#### **PROJECT DESCRIPTION**

The project site is located at 1380 Westgate Drive (APN: 027-420-09) between Taylor Road on the north and Kettleman Lane/Hwy. 12 on the south. The project site contains 2.18-acres and is to be subdivided into 5 single family and 12 half-plex lots. The current R-2, residential single-family zoning does not allow zero lot line construction for the half-plex lots. Thus the change is zoning from R-2 to PD, Planned Development is requested. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. The project is consistent with the existing LDR, Low Density Residential General Plan Land Use designation therefore no amendment is necessary.

## ENVIRONMENTAL CHECKLIST FORM

1. **Project title:** Rezone and Tentative Subdivision Map for Luca Place.
2. **Lead agency name and address:**  
City of Lodi-Community Development Department  
Box 3006, Lodi, CA 95241
3. **Contact person and phone number:**  
Mark Meissner  
(209) 333-6711
4. **Project location:**  
San Joaquin County, CA.;  
1380 South Westgate Drive.
5. **Project sponsor's name and address:**  
John Costamagna, PO Box 131, Woodbridge, CA 95258
6. **General Plan designation:** LDR, Low Density Residential
7. **Zoning:** R-2, Residential Single-Family
8. **Description of project:** See page 3 "Project Description"
9. **Surrounding land uses and setting:**  
North – Temporary storm drainage basin.  
South – Future shopping center  
East –Commercial shopping center  
West – Rural Residential in the County primarily undeveloped.

The surrounding land uses are as follows: To the west are rural residential properties in the County primarily undeveloped. To the South is a Chili's restaurant located within the Vintner's Square shopping center. To the east is the backside of a Lowe's home improvement center in the same shopping center, and to the north is a storm drainage basin for the shopping center.

10. **Other public agencies whose approval is required:** None

### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a (Potentially Significant Impact") by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Land Use and Planning  | <input type="checkbox"/> Transportation/Circulation         | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems    | <input type="checkbox"/> Energy and Mineral Resources       | <input type="checkbox"/> Aesthetics                    |
| <input type="checkbox"/> Water                  | <input type="checkbox"/> Hazards                            | <input type="checkbox"/> Cultural Resources            |
| <input type="checkbox"/> Air Quality            | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Recreation                    |
|   | <input type="checkbox"/> Mandatory Findings of Significance |  |

## ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. LAND USE AND PLANNING. <i>Would the proposed:</i></b>				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II POPULATION AND HOUSING. <i>Would the proposal:</i></b>				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. GEOLOGIC PROBLEMS. <i>Would the proposal result in or expose people to potential impacts involving:</i></b>				
a) Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
<b>IV. WATER. <i>Would the proposal result in:</i></b>				
<i>All “No” - Reference Source: See Project Description</i>				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation or through substantial loss of ground water recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. AIR QUALITY. <i>Would the proposal:</i></b>				
<i>All “No” Reference Source: Appendix H, #25 &amp; Environmental Setting, Sec. 3.3:</i>				
a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VI. TRANSPORTATION/CIRCULATION. <i>Would the proposal result in:</i></b>				
<i>All “No” Reference Source: See Project Description</i>				
a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Hazards to safety from design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. ENERGY AND MINERAL RESOURCES. <i>Would the proposal:</i>				
a) Conflict with adopted energy conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HAZARDS. <i>Would the proposal involve:</i>				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. NOISE. <i>Would the proposal result in:</i>				
a) Increase in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. PUBLIC SERVICES. <i>Would the proposed have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XII. UTILITIES AND SERVICE SYSTEMS.** *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:*

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. AESTHETICS.** *Would the proposal:*

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. RECREATION.** *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVI. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **XVII. EARLIER ANALYSES.**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In case a discussion should identify the following or attached sheets.

- a) Earlier analyses used.
1. June 1991. City of Lodi General Plan EIR.
  2. February 1996. Geweke West Annexation, General Plan Amendment and Pre-zoning. Negative Declaration, File No., ND-95-05. Notice of Determination Filed, February 27, 1996. Studied the potential impacts of the annexation and zoning of 15201 North Lower Sacramento Road and 570 East Taylor Road. The zoning was established as C-S, Commercial Shopping and R-2, Single Family. This negative declaration and initial study identified potential impacts for the build-out of a shopping center and low-density residential subdivision.
  3. September 1998. Vintner’s Square Residential (Apartment Complex). Negative Declaration, File No., ND-98-09; studied the potential impacts of a zone change and general plan amendment to allow a 200-unit medium density apartment complex.
  4. October 1999. Vintner’s Square Residential, Negative Declaration, File No., ND-97-01. Studied the potential impacts of a 13.19-acre Growth Management Development Plan for 79 low-density single-family dwellings at a density of 6.98 dwelling units per acre.
  5. June 2002. Vintner’s Square, Negative Declaration, File No., ND-02-05. Notice of Determination Filed, December 2, 2002. Studied the potential impacts of a 5.42 acre Growth Management Development Plan for 33 low-density single-family dwellings at a density of 6.1 dwelling units per acre.
  6. September 2004. Growth Management Development Plan for Vintner’s Square Homes, Negative Declaration, File No., ND-04-05. NOD Filed, May 31, 2005. Studied the potential impacts of a 7.44 acre Growth Management Development Plan for 53 low-density single-family dwellings at a density of 6.99 dwelling units per acre. The current request occupies a portion of the land reviewed by this previous action.
- b) Mitigation measures. See attached Summary for discussion.

## DISCUSSION OF FINDINGS:

### *Discussion of Land Use and Planning Finding*

#### **No Impact (a, b, c, e)**

The Project is consistent with the General Plan and does not require an amendment. The parcel is zoned R-2, residential single family and has a general plan designation of LDR, low density residential. The project was recently reviewed and approved by the City as a development plan with 5 single-family lots and 6 duplex lots. The applicant is proposing to change the duplexes to half-plexes, which requires individual parcels and zero lot line construction. R-2 zoning does not allow zero lot line construction prompting the requested zone change to PD, Planned Development. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. Neither the six additional half-plex lots nor the change in zoning affect the design or density of the approved development plan. From a visual, land use, and density perspective there will be no change.

The proposed rezone and tentative subdivision map are consistent with the Westside Facilities Plan, a master plan for the area in that the plan calls for development at 7 dwelling units to the acre. It is important to note that the Westside Facilities Plan sets environmental goals for the area, thus the project is consistent with adopted environmental goals of Lodi. The proposed tentative subdivision map is compatible with adjacent land uses in that the properties to the west are vacant and planned for residential development. The project site is vacant and prepared for the development of this project so it cannot disrupt or divide the physical arrangement of an established community.

#### **Less than Significant (d)**

Some conflicts could arise from urban and agricultural operations; however, in this case this conflict will be less than significant. Minimizing this impact is the City of Lodi's Right to Farm Ordinance, which requires full disclosure of agricultural operations to perspective homeowners. Westgate drive has a 74-foot right-of-way that will serve as a buffer between agricultural operations to the west and residential land uses of this project. Further development to the west has been studied and planned for in the City's General Plan and detailed further in the Westside Facilities Plan as residential development. Given the requirements of the City's Right to Farm ordinance and the construction of Westgate Drive we find that impacts on agricultural resources or operations will be less than significant.

The soil type within the project area is classified as Tokay fine sandy loam, hardpan substratum. This is classified as Prime Farmland soil. Although this loss of a non-renewable resource is notable, the loss of this soil type is less than significant in this particular case. One factor reducing this impact is the scale of the project. At 2.18 acres, the project site is not likely to sustain a viable agricultural operation. The economic yield on a small acre farm tends to make capital investment necessary for continued agricultural operations infeasible. Existing development pressure on the site will also make agricultural production less desirable.

Further protecting agricultural resources in the area is Lodi's efficient use of land that minimizes development of farmland. According to the 2000 Census, Lodi has 1,747 dwelling units per square mile and 4,657.9 people per square mile, well above the countywide averages of 1,163 and 3,430.2. The City's intensive growth pattern has and will continue to protect agricultural resources around the City. To insure sustainable agricultural interests in the area, the City of Lodi has formed a committee to discuss the establishment of a greenbelt to maintain separation of neighboring communities, and preserve agricultural land values. It is anticipated that a combination of these efforts will provide the necessary framework for long-term agricultural production in the Lodi area. Thus, in this particular case, the loss of 2.18 acres of Prime Farmland soil is expected to be less than significant.

### **Discussion of Population and Housing Finding**

#### **No Impact (a, b, c)**

The State Department of Finance estimates persons per household numbers in Lodi to be 2.79. Seventeen homes could produce 47 new inhabitants. Due to the small scale of the project and the infrastructure being installed in the area, no new major extension are needed. The project will not induce substantial growth in the area either directly or indirectly. There are no dwelling units on site; therefore the project will not displace existing housing. There may be a slight beneficial impact to affordable housing resulting from the project in that the project proposes 12 half-plex units that could be affordable to moderate-income families.

### **Discussion of Geologic Problems Finding**

#### **No Impact (a, b, c, d, e, f, g, h, i)**

In general Lodi is considered to be an area of relatively low seismicity in a state characterized by moderate-to-high seismic activity. There are several fault zones within San Joaquin County and neighboring counties that could affect proposed project. These include the concealed Tracy-Stockton Fault approximately 12 miles to the southwest and the concealed Midland Fault zone, approximately 20 miles to the west. The Melones Fault is 36 miles to the east, and the Green Valley-Concord and Hayward faults are 46 and 52 miles, respectively to the west. Therefore, no impacts created by fault rapture are expected as a result of the project. The project area is located in Seismic Zone 3 pursuant to the Uniform Building Code. Pursuant to the routine implementation of City of Lodi policy, all proposed structures would be built in accordance with the Uniform Building Code for this seismic area. Based on this requirement, no impacts resulting from ground shaking are expected as a result of this project. The soil type within the project area is classified as Tokay fine sandy loam, hardpan substratum. This soil classification has a fair strength value according to the AASHTO standard. Therefore, no seismic ground failure is expected as a result of this project. The nearest water body to the project site is the Mokelumne River, approximately 2 miles north of the site. Therefore, no impacts associated with the risk of upset created by seiche, tsunami or volcanic hazards are expected as a result of this project. In addition to a fair AASHTO strength standard, the Tokay fine sandy loam in the area has a low shrink-swell potential, making the soil suitable for cutting or filling. Given the proximity of the Mokelumne River, no impacts

created by the subsidence of land are expected with this project. The Tokay fine sandy loam is not an expansive soil type nor is there any unique geologic or physical features present on the project site.

### **Discussion of Water Finding**

#### **No Impact: (b, c, d, e, f, g, h, i)**

The site is within Zone X of the Federal Emergency Management Agency Flood Map, Community Panel Number 060300-0001 E prepared on May 7, 2002. Zone X reflects areas within the 500-year flood; areas of 100-year flood with average depths of less than 1 foot. This reflects the distance from the Mokelumne River, which is approximately 2 miles north of the project site. Thus the project is not expected to expose people or property to water related hazards such as flooding. The project sites will drain into the temporary storm drainage basin located to the north. The temporary storm drainage basin was engineered to accommodate the necessary runoff from the developing Lowe's Shopping Center to the south and the residential land of this parcel. This basin allows for immediate storm water collection and is later drained by pumping the water to the east and south to the existing the storm water basin of Beckman Park on S. Ham Ln. and W. Century Boulevard. The water is then pumped through a meter into Woodbridge Irrigation District canals, which in turn transports the water to the San Joaquin Delta. This process aerates the water and removes turbidity without an increase in the temperature of the water. Therefore, the project is not expected to alter the surface water quality of the Delta. Because storm water is metered into Woodbridge Irrigation District pipelines, the project is not expected to change the amount of surface water in any water body. There is no water body present on site; therefore, the project will not result in the change of currents or the course or direction of water movement. Because of the relatively small size of the project (17 units) the project will have an imperceptible change of the quantity of groundwater available in the area. The project is expected to require approximately 2,040 gallons of water per day (120 gallons per dwelling unit per day X 17 dwelling units). The City of Lodi water system has capacity to service this subdivision.

The groundwater basin in the area generally flows towards the south because of the over-drafting of water in the Stockton area. This project will not alter this general movement of groundwater. Due to the residential character of the project, hazardous waste and quality impacts associated with storm water runoff are expected to be mitigated through the scrubbing process associated with the city's storm water collection system. Therefore, no impacts to groundwater quality are expected as a result of this project. Because of the project's consistency with the general plan, the project is not expected to result in a substantial reduction in the amount of groundwater otherwise available for public use.

#### **Less than significant: (a)**

With the development of vacant land, the absorption rates will decrease while runoff increases. The routine implementation of the City of Lodi Standard Plans and Specifications will insure that adequate facilities are constructed to mitigate potential impacts on absorption rates and runoff to less than significant levels.

### **Discussion of Air Quality Finding**

#### **Less than Significant: (a, b, c, d)**

The proposed project at 17 dwelling units and 170 projected Average Daily Trips falls under the threshold of the Small Project Analysis Level set by the San Joaquin Valley Unified Air Pollution Control District. In the Guide for Assessing and Mitigating Air Quality Impacts, Table 5-2, the District sets a standard of 1,453 Average Daily Trips; and Table 5-3 sets a standard of 152 units as the threshold for projects that require further investigation and evaluation. Therefore, the proposed project is expected to have a less than significant impact to the existing air quality violation that the District currently experiences with Ozone and PM<sub>10</sub> standards. The proposed project is further from any of the listed uses on Table 4-2 of the Guidelines, therefore, the project is not expected to expose people to pollutants or odors. The homes of this subdivision are proposed to be two stories, which is not expected to significantly alter air movement. Ambient temperature levels could rise due to the paving of streets, however, the City of Lodi street standards specify street trees as part of the routine construction of new streets. The shading created by the street trees is expected to reduce the temperature change to a level of less than significant. Being a residential development, the proposed project is not expected to create any objectionable odors.

### **Discussion of Traffic/Circulation Finding**

#### **No Impact: (c, d, f, g)**

The project is approximately two miles from Fire Station #3 and 1.3 miles from Fire Station #4. The Fire Department has a response time goal of three minutes and this site is within a three-minute response time from either of these two stations. The Lodi Police Department provides beat service to the area and has a service goal of 3 to 40 minutes. The routine implementation of the City of Lodi Police and Fire fee ordinances will mitigate any impact to these emergency response providers. Therefore the project will not result in inadequate emergency access or prevent emergency access to other nearby uses. The Zoning Ordinance requires two off-street parking spaces for each dwelling unit; these spaces plus the driveway provide each lot with four off-street parking spaces. In addition on-street parking can be provided given the lot widths in excess of fifty feet. Therefore, the project will not result in insufficient parking capacity either onsite or offsite. The project area is directly serviced by Grapeline Route #1 and is within a quarter mile of Grapeline Routes #2 and #4 as well as SMART Route #20. Thus, the area is well serviced by existing transit service and complies with City of Lodi alternative transportation policies. There are no rail or waterborne transportation facilities in the area, thus no conflicts are expected with these forms of transportation. The site is not located within a noise contour or regular flight path of an airport; therefore, no impacts to air traffic are expected as a result of this project.

#### **Less than Significant Impact: (a, b, e)**

Westgate Drive is a two-lane roadway with a median, two bicycle lanes, curb, gutter, mow strip, and sidewalk within a 74-foot right-of-way. Westgate Drive connects the project site to Kettleman Lane/Highway 12 to the south and Taylor Road to the north. The intersection of Westgate Drive and Kettleman Lane is signalized. Taylor Road is an

east/west connector between Lower Sacramento Road and Westgate Drive. Plans for Taylor Road include two travel lanes, curb, gutter, mow strip and sidewalk taking place within a 50-foot right-of-way. The proposed subdivision has 3 separate cul-de-sacs accessing Westgate drive.

Build-out of the project area is expected to generate approximately 170 Average Daily Trips (17 dwelling units at 10 Average Daily Trips). The additional trips generated by this project is not expected to adversely impact the intersections of Taylor Road and Lower Sacramento Road or Kettleman Lane and Westgate Drive. The intersections have been designed to operate at an acceptable Level of Service with adequate capacity to operate without a drop in the level of service provided with the proposed project. Therefore, impacts associated with the additional 170 Average Daily Trips will be less than significant.

The intersection of a Westgate Drive and Kettleman Lane (State Highway 12) has the potential to increase hazards along this highway; however, the routine implementation of City and Cal Trans design standards will mitigate risks associated with this intersection to a less than significant level.

Although typically this type of project could have an impact to pedestrian and bike traffic, impacts created are expected to be less than significant in this case. The existing traffic signal at the Sunwest Shopping Center and Lower Sacramento Road provides a controlled crossing point for bicyclists and pedestrians travelling in an east/west direction. The nearest crossing of Lower Sacramento Road is a short distance to the north at the intersection of Vine Street. Other north/south crossings are facilitated by traffic signals at the intersection of Lower Sacramento Road and Kettleman Lane and a new signal being installed at Kettleman Lane and Westgate Drive. Mitigation to pedestrian traffic is the close proximity of the City's fixed route bus system. Grapeline Route 1 provides direct service to the site and Grapeline Routes 2 and 4 as well as SMART Route 20 provide service at the intersection of Lower Sacramento Road and Kettleman Lane (State Highway 12). Because of the existing crossing signals and transit services available in the general proximity of the site, impacts to bicycles and pedestrians is expected to be less than significant.

#### **Discussion of Biological Resources Finding**

##### **Less than Significant Impact: (a, b, c, d, e)**

The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (6 S. El Dorado St., Suite 400/Stockton, CA 95202) or online at: [www.sjcog.org](http://www.sjcog.org).

#### **Discussion of Energy and Mineral Resources Finding**

**No Impact: (a, b, c)**

The routine implementation of Title 24 of the California Administrative Code insures that the proposed dwelling units are consistent with energy conservation standards. There are no known mineral deposits on site; therefore, the project will not result in a loss of availability.

**Discussion of Hazards Finding**

**No Impacts: (a, b, c, d, e)**

The development of 17 dwelling units will not increase the risk of explosion or release of hazardous substances. The routine implementation of the Police and Fire impact fee will insure that the project will not interfere with emergency response plans in the area. Nitrate levels and petroleum by-products are expected to increase in storm water run-off from the site; however, the routine implementation of the City of Lodi's Plans and Specifications for drainage facilities will reduce the potential health hazard to a less than significant level. Development of the proposed project eliminates a vacant lot that would typically have weeds that increase fire hazards.

**Discussion of Noise Finding**

**No Impact: (a, b)**

These 17 homes of this project will incrementally increase the ambient noise level in the general area; however, this impact will be less than significant. The short-term noise impacts associated with the construction phase of the project will be mitigated through the routine implementation of the City's Noise Ordinance, which restricts construction between the hours of 10 p.m. and 7 a.m. The project site is in close proximity to Highway 12 with traffic that generates far more noise than the homes, and rears to the back/loading area of the Lowe's building itself. This subdivision map will not increase existing noise levels. Single-family residences and duplexes are not typically known as generators of a significant amount of noise. The people living in this future development will be protected from noise generated by the Shopping Center by an existing 8-foot tall decorative masonry block wall. Construction of the wall was a standard design requirement of the City for a commercial development rearing a residential zone. The wall should reduce noise from the adjacent shopping center to a less than significant level. Noise from Highway 12 will be reduced as anticipated development west of Westgate Drive takes place.

**Discussion of Public Services Finding**

**No Impact: (a, b, c, d, e)**

The routine implementation of City of Lodi ordinances regarding the construction and/or payment of appropriate facilities and impact fees will insure that adequate public services are available at the time of occupancy.

### **Discussion of Utilities and Service Systems Finding**

#### **No Impact: (a, b, c, d, e, f, g)**

All utilities are present in Westgate Drive with existing urban land uses taking place immediately to the east of the proposed site. Pacific Gas and Electric provides gas in the area; Pacific Bell supplies communications; Comcast provides cable television while the City of Lodi provides all other utility services either directly or through contractual services. Therefore, no substantial alterations to utility systems will be required as a result of this project.

### **Discussion of Aesthetics Finding**

#### **No Impact: (a, b)**

The project site is located approximately 350 feet north of State Highway 12, which is not classified as a scenic highway. The general view towards the west is agricultural with Mount Diablo in the background; existing urban land uses to the east and north, and urban/agricultural towards the south. Thus, no impacts to scenic vistas are expected as a result of the project. The routine implementation of the Uniform Building Code and adopted City of Lodi policies will insure that the project will not have a demonstrable negative aesthetic effect on the area.

#### **Less than Significant Impact: (c)**

The project will create new light as related to streetlights and household night lighting. Generally neither street lights or household lights spill onto adjacent properties but they will incrementally degrade night sky conditions. This impact; however, is expected to be less than significant in that street lights will be installed in accordance with City of Lodi standards. Further lessening the lighting impact is the context in which the new light will be introduced. The expected household lights will not exceed light produced by the existing streetlights of Westgate Drive and the adjacent shopping center. Therefore, impacts created by new lighting from the homes will be less than significant.

### **Discussion of Cultural Resources Finding**

#### **No Impact: (a, b, c, d)**

Based on available information, it has been determined that no known paleontological or archaeological resources exist on site. There are no unique geologic conditions on site that would suggest an impact to cultural values or religious or sacred uses that may have occurred on the site. If buried resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, the routine implementation of City of Lodi standard policy will mitigate impacts to cultural resources to a level less than significant. This standard policy requires that work stop in the immediate area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find. If necessary, the archaeologist will develop appropriate treatment measures in consultation with the City of Lodi Public Works Department, State Office of Historic Preservation, and other appropriate agencies. If human remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated

cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required; and
2. If the remains are of Native American origin:
  - a. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98; or
  - b. NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours of being notified by the NAHC.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact NAHC. No human remains are known to be located within the project site.

#### **Discussion of Recreation Finding**

##### **No Impact: (a, b)**

The routine implementation of the City of Lodi impact fee program will insure that the increased demand for recreational facilities is met. The project area is within the Westside Facilities Plan Area that determined park resources needed to serve the development of the plan area. Recreational resources identified in the area include an aquatics center, park and trail buffer area to the north and west. The proposed subdivision map is consistent with this plan and development of the site is part of the financing mechanism for constructing the needed facilities in the area. Therefore, no impacts to recreational opportunities are expected as a result of this project.

DETERMINATION:

On the basis of this initial evaluation:

- ☒ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE** declaration will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets' if the effect is a "potentially significant impact" or "potentially significant unless mitigated."
- ☐ I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: Mark Meissner

For: City of Lodi



# VICINITY MAP

Luca Place  
 Rezone: R-2 to PD &  
 Tentative Subdivision Map  
 17-lot low density residential  
 1380 Westgate Drive  
 Z-05-02 & 05-S-004



**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 28, 2005**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 28, 2005, was called to order by Chair Aguirre at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, White, and  
Chair Aguirre

Absent: Planning Commissioners – Heinitz

Also Present: Community Development Director Randy Hatch, Associate Planner Mark  
Meissner, Deputy City Attorney Janice Magdich, and  
Administrative Secretary Kari Chadwick

2. MINUTES

a) "March 23, 2005" and "April 13, 2005"

MOTION / VOTE:

The Planning Commission, on motion of Chair Haugan, Moran second, approved the minutes of March 23, 2005, as written.

The Planning Commission, on motion of Commissioner White, Moran second, approved the minutes of April 13, 2005, as written.

Randy Hatch, Community Development Director, introduced himself and stated he would be happy to accept questions after the meeting.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Aguirre called for the public hearing to consider The requests of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Mark Meissner, Associate Planner, reported that the project is located at 1380 Westgate Drive, between Taylor Road, Kettleman Lane and directly behind the new Lowe's Store. The Public Hearing contains three parts; the first is the Vesting Tentative Map, the second is the Re-zone and the third is the approval of the Negative Declaration. The development plan that has already been approved has been changed slightly. The cul-de-sac does not meet the desired look or access that Public Works or Planning would like and staff will be working with the contractor to get it right. The zone change is primarily to allow the zero lot lines for the half-plexes. Staff finds that the homes fit on the lots with the necessary set backs. The Negative Declaration is in the report and staff finds that the proposed development will not have a substantial impact on the environment. At the request of the project engineer the Resolution has been revised to add a condition allowing no less than a five foot set back from the disabled access ramp at the north west corner of lot one. Staff recommends approval conditional to the resolutions.

Hearing Opened to the Public

- John Costamagna, Acampo, Mr. Meissner's report was accurate and the new plan was meant to bring in lower income housing. He looks forward to working with staff.

Mr. Costamagna researched the impact of noise that Lowe's might have on the surrounding area and found it to be minimal. (Handed out information brought by Mr. Costamagna).

In response to Commissioner Moran, Mr. Costamagna stated he was not opposed to working with staff on the cul-de-sac revisions.

Steve Pechin, Baumbach and Piazza, stated that he was concerned about the corner cut off on lot one and asked to have the revision reread. After talking with Wally Sandelin, City Engineer, and Mr. Meissner about his concerns regarding the off street parking he is confident that the parking issue will be resolved with the change to the cul-de-sac design. He is requesting the Commission to approve this request.

In response to Vice Chair Kuehne, Mr. Pechin stated that there would be more room in the cul-de-sac for parking. Mr. Meissner worked on the overhead to show what it would actually look like.

Ann Cerney, 900 W. Vine St, Lodi, stated that she had no problem with this subdivision. This is the first developer to address the affordable housing issue. She had a question regarding the Vintners square Project and Mr. Hatch was able to answer to her satisfaction. Mr. Meissner also stated that the project was approved as a Growth Management Plan by the Commission on October 13, 2004.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Haugan second, to approve the request of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive subject to the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White and Chair Aguirre  
Noes: Commissioners – None  
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Haugan second to approve the recommendation for approval of the request of John Costamagna for rezoning Z-05-02 to the Lodi City Council. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White and Chair Aguirre  
Noes: Commissioners – None  
Abstain: Commissioners – None

4. PLANNING MATTERS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

*Continued*

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

Commissioner Moran reported that the Task Force will be Meeting on October 4, 2005.

COMMENTS / DISCUSSION

In response to Commissioner Haugan, Mr. Hatch stated that the Velvet Grill did appeal and a resolution of denial will be brought back to the Planning Commission for a vote.

9. COMMENTS BY THE PUBLIC

None

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:41p.m.

ATTEST:

Randy Hatch  
Community Development Director

RESOLUTION NO. 2005-232

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING THE  
NEGATIVE DECLARATION (ND-05-04) AS ADEQUATE ENVIRONMENTAL  
DOCUMENTATION FOR THE REZONE OF PROPERTY LOCATED AT  
1380 WESTGATE DRIVE (APN 027-420-09)

=====

WHEREAS, public hearings were held by the Planning Commission and City Council on September 28, 2005 and November 2, 2005, respectively, on the following described rezone, and these bodies reviewed and considered the appropriate documents regarding the potential environmental effects of the proposal, including any comments received whether orally or in writing:

Rezone of 2.18 acres located at 1380 Westgate Drive (APN 027-420-09) from R-2, Residential Single Family, to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk (File Nos. Z-05-02, 05-S-004, John Costamagna, Applicant).

WHEREAS, a Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the guidelines provided thereunder and circulated for comment, and at the end of the 20-day review period, no significant environmental effects of the project were identified. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in its Resolution No. P.C. 05-31; and

WHEREAS, it is the Planning Commission's recommendation that City Council approve its finding that the Negative Declaration is adequate environmental documentation; and

WHEREAS, the information and evaluation contained in the Initial Study reflects the City of Lodi's independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council, based upon the evidence within the staff report, Initial Study, and project file, hereby adopts the Negative Declaration as adequate environmental documentation for the rezone of 1380 Westgate Drive (APN 027-420-09).

Dated: November 2, 2005

=====


I hereby certify that Resolution No. 2005-232 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and  
Mayor Beckman

NOES: COUNCIL MEMBERS – None

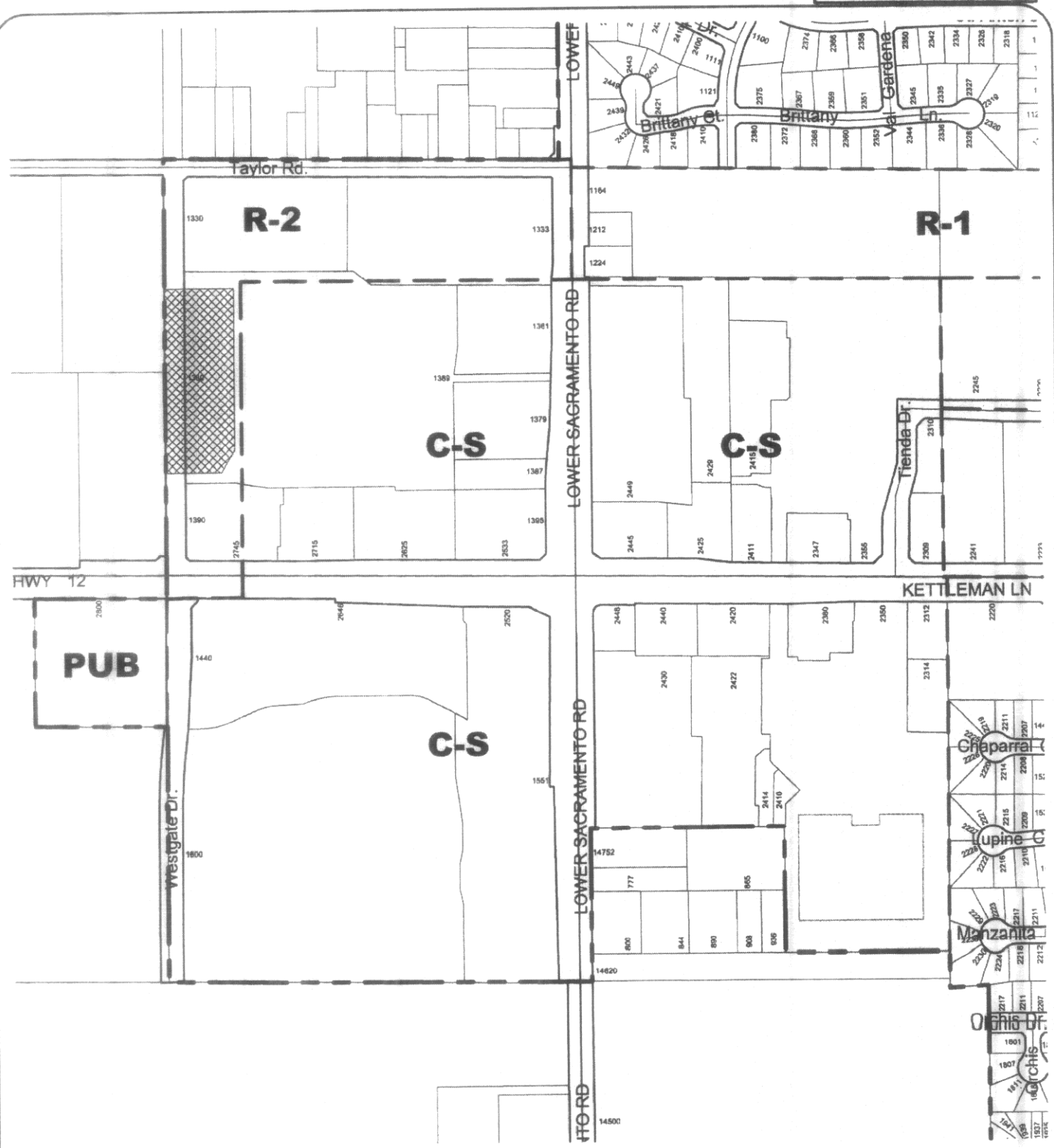
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

# EXHIBIT A



## REZONE

Rezone: R-2 to PD(37)  
 1380 Westgate Drive  
 Z-05-02

### LEGEND:

- R-1: RESIDENTIAL SINGLE FAMILY
- R-2: RESIDENTIAL SINGLE FAMILY
- C-S: COMMERCIAL SHOPPING
- PUB: PUBLIC



DRAFT

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE  
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY  
REZONING 1380 WESTGATE DRIVE (APN 027-420-09) FROM R-2,  
RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT  
NUMBER 37, FOR LUCA PLACE

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

2.18 acres located at 1380 Westgate Drive (APN 027-420-09) are hereby rezoned from R-2, Residential Single Family to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk. (File No. Z-05-02, John Costamagna, Applicant).

Section 2. The Planning Commission adopted Resolution No. P.C. 05-31 recommending approval of this request for a rezone at its meeting of September 28, 2005, following a duly held public hearing at which appropriate documents and any comments received were reviewed and considered.

Section 3. A Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 05-31.

Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Council of this City after duly noticed public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto at which the City Council reviewed and considered the appropriate documents and any comments received, whether orally or in writing.

Section 7. The City Council has reviewed and considered the Negative Declaration for this project and has adopted same before consideration of this Ordinance.

Section 8. The City Council based on the evidence within the staff report and project file find as follows:

- 1) that the rezone to PD(37) will not adversely affect surrounding properties.

2) that the rezone to PD(37) is consistent with the Lodi General Plan diagram, policies and standards. There is no applicable specific plan for the area.

3) that the property, with a PD(37) zone, will have no adverse effect on wildlife and vegetative habitat.

Section 9. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 10. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JOHN BECKMAN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney



PROOF OF PUBLICATION

(2015-5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

October 22nd

all in the year 2005.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 22nd day of October, 2005.

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of  
Special Notice of Public Hearing for November 2, 2005  
Request Of John Costmagna for a Rezone from R-2,  
Residnetial Single Family

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, November 2, 2005 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Consider the Planning Commission's recommendation of approval of the request of John Costmagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: October 19, 2005

Approved as to form:

D. Stephen Schwabauer  
City Attorney  
October 22, 2005 - 08502353

8502353



## **DECLARATION OF POSTING**

**PUBLIC HEARING FOR NOVEMBER 2, 2005, CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR A REZONE FROM R-2, RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT NUMBER 37 FOR "LUCA PLACE" A 17-LOT LOW DENSITY SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 1380 WESTGATE DRIVE, AND APPROVE NEGATIVE DECLARATION ND-05-04 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT.**

On Thursday, October 20, 2005, in the City of Lodi, San Joaquin County, California, a notice of public hearing to Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2005, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

\_\_\_\_\_  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

A handwritten signature in cursive script, reading "Dana R. Chapman".

\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: November 2, 2005

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, November 2, 2005** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

**Dated: October 19, 2005.**

Approved as to form:

D. Stephen Schwabauer  
City Attorney



## **DECLARATION OF MAILING**

**PUBLIC HEARING FOR NOVEMBER 2, 2005, CONSIDER THE PLANNING COMMISSIONS'S RECOMMENDATION OF APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR A REZONE FROM R-2, RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT NUMBER 37 FOR "LUCA PLACE" A 17-LOT LOW DENSITY SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 1380 WESTGATE DRIVE, AND APPROVE NEGATIVE DECLARATION ND-05-04 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT.**

On October 21, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a to Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project. marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

# NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL  
221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

**DATE:** Wednesday, November 2, 2005

**TIME:** 7:00 p.m., or as soon thereafter as the matter can be heard

**PLACE:** Carnegie Forum, 305 West Pine Street, Lodi

**SUBJECT:** To consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD (37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

(SEE REVERSE SIDE FOR MAP)

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 221 W. PINE ST., LODI.

WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2<sup>ND</sup> FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

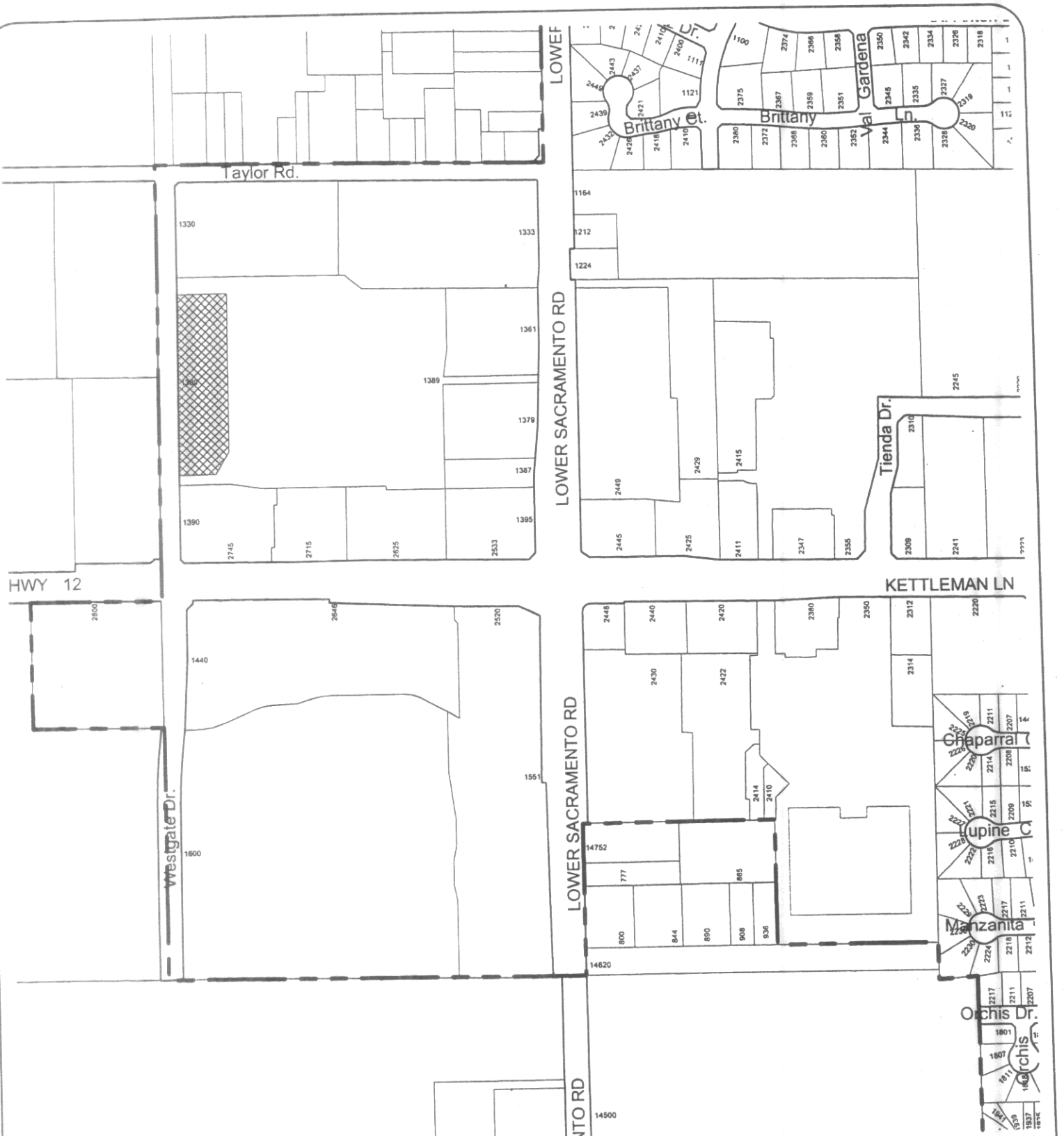
ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IT DESERVES TO BE NOTED THAT THE LEGAL REQUIREMENT OF PUBLIC NOTICE DOES NOT GUARANTEE NOTICE TO ALL PERSONS RESIDING IN OR OTHERWISE USING PROPERTY IN THE GENERAL VICINITY OF THE PROPERTY IN QUESTION. ACCORDINGLY, EACH RESIDENT OF THIS NOTICE IS RESPECTFULLY REQUESTED TO BRING THIS NOTICE PROMPTLY TO THE ATTENTION OF ANY OTHER PERSON OR PERSONS WHOM THE RECIPIENT FEELS MAY BE INTERESTED IN OR AFFECTED BY THIS PROPOSAL IN ORDER THAT ALL PERSONS MAY BE GIVEN AN OPPORTUNITY TO BE HEARD ON THE ISSUE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: October 20, 2005

  
SUSAN J. BLACKSTON  
CITY CLERK OF THE CITY OF LODI



# VICINITY MAP

Luca Place  
 Rezone: R-2 to PD &  
 Tentative Subdivision Map  
 17-lot low density residential  
 1380 Westgate Drive  
 Z-05-02 & 05-S-004



## COSTAMAGNA 05-S-004

APN;OWNER;ADDRESS;CITY;STATE;ZIP;SITUSNUM;SITUSDIR;SITUSSTNAME;SITUSTYP  
E

02705020;HEDRICK, LAMAR A & JOANN A TR;209 E HWY  
12;LODI;CA;95242;291;E;ST RT 12;HY

05803010;LODI CITY OF;PO BOX 3006;LODI;CA;95241;2800;W;KETTLEMAN;LN

02705021;GEWEKE FAMILY LTD PTP;2475 MAGGIO CIR;LODI;CA;95240;341;E;ST  
RT 12;HY

02742001;GEWEKE FAMILY PTP;PO BOX  
1210;LODI;CA;95241;2749;W;KETTLEMAN;LN

05803009;REICHMUTH, CAROLYN HINES;1358 MIDVALE  
RD;LODI;CA;95240;252;E;ST RT 12;HY

John Costamagna  
1351 E. Pine St., Lodi 95240  
& P.O. Box 131, Lodi, 95241